

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LIA TIEU,

Plaintiff,

-against-

NEW YORK CITY ECONOMIC
DEVELOPMENT CORPORATION, WINTHROP
HOYT and RACHEL LOEB, in their individual
and professional capacities,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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21 Civ. 5951 (AT)

ORDER

Defendants' motion for summary judgment is currently pending before this Court. Before addressing the merits of that motion, however, the Court must address Defendants' request that the Court disregard Plaintiff's Rule 56.1 Statement of Disputed Facts. ECF No. 85. Defendants argue that under Local Rule 56.1(b), "Plaintiff is not permitted to submit a *separate* Rule 56.1 statement of disputed facts; rather, Plaintiff was required to include any disputed facts in her response to Defendants' Rule 56.1 statement of material facts." ECF No. 95 at 2 (emphasis in original).

Local Rule 56.1(b) permits the party opposing a motion of summary judgment to submit, "if necessary, additional paragraphs containing a separate, short and concise statement of additional material facts as to which it is contended that there exists a genuine issue to be tried." The Rule does not require that these "additional paragraphs" appear in the same document as the nonmoving party's responses to the moving party's Rule 56.1 statement. Accordingly, the Court will consider Plaintiff's Rule 56.1 statement in deciding the motion for summary judgment.

In the alternative, Defendants request an opportunity to respond to Plaintiff's statement of disputed facts. "While Local Rule 56.1 does not expressly permit parties to submit reply statements of undisputed material facts (or objections thereto), it does not prohibit such statements either." *adidas Am., Inc. v. Thom Browne, Inc.*, No. 21 Civ. 5615, 2022 WL 17736799, at *3 (S.D.N.Y. Dec. 16, 2022). Accordingly, by **December 14, 2023**, Defendants may respond to Plaintiff's statement of disputed facts.

SO ORDERED.

Dated: November 28, 2023
New York, New York



ANALISA TORRES
United States District Judge